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Prepared by Lou Geater

Approved by _____
Assistant County Attorney

AN ORDINANCE TO AMEND CHAPTER 7, ARTICLE XI, OF THE CODE OF ORDINANCES REGARDING POLICE EMERGENCY ALARM SYSTEMS SO AS TO REDUCE THE NUMBER OF ALLOWABLE FALSE ALARMS, INCLUDE CIVIL DAMAGES AND ADD NOTIFICATION PROCESS OF ALARM USERS OPERATING WITHOUT A PERMIT. SPONSORED BY COMMISSIONER MIKE CARPENTER.

WHEREAS, This Board of County Commissioners and the Memphis City Council recognize the amount of man hours dedicated by the Sheriff and the Memphis Police Department for investigating crimes is significantly impacted by the number of false alarms received daily; and

WHEREAS, The current ordinance is excessively lenient in false alarm allowances and fines compared to that of cities of comparable size and demographics; and

WHEREAS, This Board of County Commissioners and the Memphis City Council deem it appropriate to amend this ordinance to ensure the health, safety and welfare of the citizens;

SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS that Chapter 7, Article XI, Section 7-305(1)(b) is hereby amended by deleting the current language and inserting instead the following language:

- (b) An alarm user shall be subject to fines, warnings, and suspensions or revocation of permit after the fifth false alarm dispatch within a twelve-month period based upon the following schedules:

Number of False Alarm Dispatches	Action Taken	Fines
1	On-site written notice	No Fine

2	On-site written notice	No Fine
3	On-site written notice and warning letter #1.	No Fine
4	On-site written notice, warning letter # 2 and mandatory alarm users class.	No Fine
5	On-site written notice, warning letter #3 and mandatory fine.	\$25.00
6	On-site written notice, letter to user requiring alarm inspection from metro alarm review board, certified inspection letter from alarm company to board and mandatory fine.	\$25.00
7	On-site written notice, mandatory fine and civil damages <u>of \$90.00</u> .	\$25.00
8 or more	On –site written notice, mandatory fine, civil damages <u>of \$90.00</u> , revocation of permit and future alarms may be considered false in nature and will require additional confirmation prior to response.	\$25.00

i. Failure to comply with the above conditions will result in a mandatory court summons issued by authorized officers to the alarm service operator. **In addition to any other fine or penalty provided by law, violators are subject to a fine of up to fifty dollars (\$50.00), for each separate violation, with each day constituting a separate offense.**

ii. Any owner, user, or operator of any alarm system, as defined herein found to have violated this section seven times or more in any twelve-month period shall also be liable

for civil damages for the actual cost of any response by law enforcement or emergency personnel, and for the actual cost for any interruption of public services or closure of public facilities reasonably necessitated by response to such false alarm, in an amount up to the maximum allowed by state law.

iii. Except for fire or mechanically-activated water flow alarm devices and alarm systems owned and operated by any governmental entity or subdivision, upon a finding that an owner, user, or operator has violated this section seven times in any twelve-month period, said owner, user, or operator may further be prohibited from operating the alarm system at issue in such a manner as to be the sole basis for a request for response by law enforcement personnel for a period of one (1) year from the date of the finding. The Metro Alarm Board shall have discretion to waive this prohibition upon proof satisfactory that the alarm system at issue has been replaced, repaired, or modified so as to substantially reduce the risk of further false alarms.

Deleted: shall

Deleted: Said owner, user or operator may be prohibited from operating the alarm system at issue in such a manner as to be the sole basis for a request for response by law enforcement personnel for a period of one (1) year from the date of the finding.

iv. In the event an alarm user is experiencing maintenance issues with his alarm, the alarm company may contact the Alarm Administrator and inform him that the company is currently working to correct system problems. The Alarm Administrator with notice to the Metro Alarm Review Board and Memphis Police Department or Sheriff shall note on the alarm users file that the system is currently under maintenance and any false alarms incurred during a thirty (30) day period after notification from the alarm company shall not be counted against the alarm user. The alarm company shall have the responsibility of notifying the Alarm Administrator in writing that the problem has been resolved. Should the alarm problem persist for a period longer than thirty (30) days then the Alarm Administrator with approval from the Metro Alarm Review Board shall have the option to remove the exception or extend the maintenance period for an additional period of time.

v. All alarm installation companies providing services in Memphis and Shelby County shall, after the 5th day of the following month, send the alarm office all installations for the preceding thirty (30) day period. In addition, alarm monitoring firms must provide after the 5th day of the end of each month, a list of any and all locations where alarm monitoring services are provided. Such list shall remain confidential.

SECTION 2. BE IT FURTHER ORDAINED that Chapter 7, Article XI, Section 7-305(1)(c) is hereby amended by deleting the current language and inserting instead the following language:

(c) Any person operating a non-permitted alarm system (whether revoked or suspended) will be subject to a citation and a false alarm penalty as defined herein in addition to any other fines. Persons operating an alarm system that was never permitted shall receive a citation and will have ten (10) business days after such violation to apply for a permit. The Metro Alarm Office shall send a certified letter to users who have not applied within the ten (10) days notifying the alarm user that a false alarm fine and civil damages will be levied if application is not completed a total of thirty (30) days after the original violation. In addition, the alarm user will further be prohibited from operating the alarm system at issue in

such a manner as to be the sole basis for a request by law enforcement personnel until application has been submitted and all fees and fines have been paid.

SECTION 3. BE IT FURTHER ORDAINED that Chapter 7, Article XI, Section 7-305(1)(d) is hereby amended by deleting the current language and inserting instead the following language:

An alarm user with four (4) false alarm dispatches shall be required to attend the false alarm user class. Failure to attend the class shall result in a one hundred fifty dollars (\$150.00) penalty.

SECTION 4. BE IT FURTHER ORDAINED, That the provisions of this ordinance shall cease to be in effect after July 1, 2011.

SECTION 4. BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 5. BE IT FURTHER ORDAINED, that this ordinance shall take effect in accordance with the Shelby County Charter, Article II, § 2.06(C).

JOE FORD, Mayor of Shelby County

Date: _____

Attest:

Clerk of the Board of Commissioners

Date: _____